

ORDINANCE NO. 77

AN ORDINANCE DEFINING, REGULATING, AND LICENSING PEDDLERS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1. Permit and License Required. It shall be unlawful for any person to engage in the business of peddling as defined in Section 2 of this ordinance within the corporate limits of the City of Lakeside without first obtaining a permit and license therefor as provided herein.

Section 2.

Definitions: The word "peddler" as used herein shall include any person, whether a resident of the City of Lakeside or not, traveling by Wagon, Automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, contracts, and any other items and offering and exposing the same for retail sale, or who, travel from place to place, shall sell or offer to sell at retail any such items from a wagon, automotive vehicle, railroad car, or other vehicle or conveyance, or who solicits retail orders and as a separate transaction makes Deliveries to purchasers shall be deemed subject to the provisions of this ordinance. As used in this ordinance peddler shall not include religious or charitable solicitor, any solicitor or suppliers of goods another business or any person who solicits home orders or sales as an established sales route to regular customers or with intent to increase or enlarge a sales route that will result in supplying regular customers, a sales visit or delivery of products on a monthly or more frequent basis.

Section 3.

Application: Applicants for permit and license, under this ordinance must file with the City Recorder a sworn application in writing on a form to be furnished by the City Recorder, which shall give the following information:

- (a) Name and Description of the Applicant.
- (b) Address
- (c) A brief discription of the business and the items to be sold.
- (d) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.
- (f) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- (g) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the Application, which picture shall not be less than two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) The fingerprints of the applicant and evidence as to the good Character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.
- (j) Applicant shall file with his application a statement by a licensed physician, dated not more than 10 days prior to the submission of application, certifying the applicant to be free of infectious, contagious, or communicable disease.

and I. D. CARD. -
be referred to the
the applicant's business and
as the deems necessary for the protection of the
If, as a result of such investigation, the applicant's
or business responsibility is found to be unsatisfactory, the Recorder shall
endorse on the application his disapproval and his reasons for disapproval
and return said application with notification that the application has been
disapproved and that no permit and license will be issued.

If, as a result of such investigation, the applicant's
and business responsibility are found to be satisfactory, the Recorder shall
endorse on the application his approval, and the City Recorder
payment of the license fee deliver to the applicant his permit and license
which shall be in a form prescribed by the City Recorder.

Section 5.

Administrative Fees. At the time of the issuance of the license
there shall be paid to the recorder a fee as set by resolution for
the costs of administration and enforcement of this ordinance. A license
shall be issued for a term of 30 days, but in the event that there
a substantial change in the product, service, or business
during the term of the license, then the peddler shall report such changes
to the Recorder and pay another license fee. In the event that there has
been no substantial change in the product, service, or business
at the time that a renewal of the license is applied for, then
investigation fee will be required to be paid, and the license
only a renewal fee as set by resolution. It is the intent of the City
to charge only such fees as are commensurate with the cost of the reg-
istration of this ordinance for the protection of the public, and any person
or licensee believing such fees to be unreasonable or discriminatory as
applied to him may petition and/or appear before the Council, and for good
cause shown, have an equitable adjustment made in such fee.

Section 6.

Badges or I. D. Cards. The City Recorder shall issue to each
licensee at the time of the delivery of his license a badge or I. D. Card
which shall contain the words "licensed peddler," the number of the license
the name of the peddler, the expiration date of the license, and shall be
signed by the City Recorder. Such badge shall, during the time that such
licensee is engaged in peddling, be worn constantly by the licensee on the
front of his outer garment in such a way as to be conspicuous.

Section 7.

Transfer. No license or badge or I. D. Card issued under the
provisions of this ordinance shall be used or worn at any time by any person
other than the one to whom it was issued.

Section 8.

Noises. No peddler, nor any person in his behalf, shall shout,
make an outcry, blow a horn, ring a bell, or use any sound device, include
any loudspeaking radio or sound-amplifying system, upon any of the street
alleys, avenues, parks, or other public places of said city or upon private
premises in said city where sound of sufficient volume is emitted and can
of being plainly heard a distance of 200 feet or more upon the streets,
avenues, alleys, parks, or other public places for the purpose of attract
attention to any goods wares, or merchandise which such licensee propose
to sell.

No peddler shall be permitted to operate in any unincorporated area where the public is or is likely to be inconvenienced or impeded, or where the public interest is or is likely to be injured, or where the public health, safety, or general welfare is or is likely to be affected. The judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or to public impeded or inconvenienced.

Section 10.
Exhibition of License. Peddlers shall be required to exhibit their licenses at the request of any citizen.

Section 11.
Revocation of License. Permits and licenses issued under the provisions of this ordinance may be revoked by the Recorder of Lakeside after notice and hearing for any of the following reasons:
(a) Fraud, misrepresentation, or false statement made of carrying on his business as peddler.
(b) Fraud, misrepresentation, or false statement contained in application for license.
(c) Any violation of this ordinance.
(d) Conviction of any crime or misdemeanor involving more such a manner as to constitute a breach of the peace or to constitute to the health, safety, or general welfare of the public.

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and place of hearing. Such notice shall be mailed, postage prepaid, to licensee at his last-known address at least five days prior to the date set for the hearing.

Section 12.
Appeal. Any person aggrieved by the action of the City Recorder in the denial of an application for a permit or license as provided in Section 4 of this ordinance, or, in the decision with reference to the revocation of a license as provided in Section 11 of this ordinance, shall have the right to appeal to the council of the City of Lakeside. Such appeal shall be taken by filing with the council, within 14 days after the date of the action complained of has been mailed to such person's last-known address, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for a hearing on revocation. The decision and order of the council on such appeal shall be final and conclusive.


Section 13.
Penalty. Violation of, or failure to comply with, any provision of this ordinance is punishable, upon conviction, by a fine not to exceed \$300.00.

Section 14.
Severance Clause. The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

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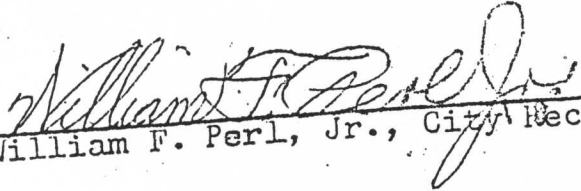
was adopted
20th day of August, 1981

APPROVED:



Royce A. Pierce, Mayor

ATTEST:



William F. Perl, Jr., City Recorder